

REMARKS

Applicant's representative expresses appreciation for the interview conducted on December 10. The following remarks are consistent with that which was discussed during the interview.

The Non-Final Office Action, mailed November 13, 2008, considered claims 1, 3-8, 10, 12-15 and 17-24. Claims 1, 3, 4, 6, 7, 10, 12, 13, 14, 15, 17, 18-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Dworkin (U.S. Patent No. 4,992,940), in view of Rossides (U.S. Patent No. 5,539,508). Claims 5, 8 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Dworkin (U.S. Patent No. 4,992,940), in view of Singh (U.S. Patent Application Publication No. US 2001/0047311A1).

By this response, claim 25 is added.¹ Claims 1, 3-8, 10, 12-15, and 17-25 remain pending of which claims 1, 18, and 19 are independent.

Overview of the Invention

The present invention is directed to embodiments for updating business partner attributes *in a business process* without having to recompile the business process application each time an update occurs. As was discussed in the interview, a business process, as used in the specification, is a term of art that refers to a process of a web service such as a process defined in the business process execution language.² Conventional business process applications require a user to program the partner information directly into the business process application. *See Spec., pg. 1, ¶ 2.* Therefore, when any update was made to the partner information, the business process application would have to be recompiled before the updates would be included.³ Thus, a key benefit of the invention is that the business process application is only deployed once, while partner attributes can be added and enlisted in an independent fashion.

¹ Support for claim 25 may be found in paragraph 18.

² For an explanation of BPEL and business processes, see A Hands-on Introduction to BPEL, available at http://www.oracle.com/technology/pub/articles/matjaz_bpel1.html. Further support for this definition of a business process may be found in Business Processes in a Web Services World, available at <http://www.ibm.com/developerworks/webservices/library/ws-bpelwp/> (stating that "A *business process* specifies the potential execution order of operations from a collection of Web services, the data shared between these Web services, *which partners are involved and how they are involved in the business process*, joint exception handling for collections of Web services, and other issues involving how multiple service and organizations participate.") (second emphasis added);

³ For an example of how partner information is included directly in the business process, see the above referenced webpage in the section entitled "Step 3: Define Partner Link Types."

Support for this interpretation of business process is provided by examining the use of the term throughout the specification. *See MPEP 2111.01* ("The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, *according to the usage of the term in the context in the specification*. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)") (emphasis added). For example, the specification states that "[i]n one embodiment, business process execution engine is implemented with an XLANG Scheduler Engine." *See ¶ 18; see also* Claim 25. XLANG is a web service orchestration language that was created by Microsoft and has been superseded by BPEL.⁴ Further, the specification states that the "[b]usiness process may be created with a visual design tool, such as Orchestration Designer." *See ¶ 19.* Orchestration Designer enables a user to design and implement executable business processes.⁵ Therefore, when read in context, the term business process as used in the specification has a specific meaning that would be understood to one or ordinary skill in the art. When reading the terms such as "executable business process," "business process execution engine," "business partners," "XLANG Scheduler Engine," and "Orchestration Designer," one of ordinary skill in the art would certainly understand the invention that is being described. These terms are common terms that appear in any reference that describes a business process written in BPEL (or its predecessor XLANG). The examiner is therefore required to give the term business process the meaning that was intended as evidenced by its use in the specification, and by which it would be commonly understood by those of ordinary skill in the art of designing computer implemented business processes.

Section 112 Rejections

The independent claims were rejected for being indefinite and not supported by the specification. Specifically, the examiner has asserted that the limitations "but that does not include business partner attributes," "subsequent to selecting the first business partner," and "subsequent to

⁴ See, e.g. <http://xml.coverpages.org/xlang.html>. It is also noted that when searching for XLANG on Wikipedia, the search is redirected to the page on BPEL.

⁵ See, e.g. <http://technet.microsoft.com/en-us/library/aa560470.aspx> ("BizTalk Orchestration Designer is a tool for conveniently creating visual representations of your business processes that are automatically reflected in underlying code and which you build into an executable module. It provides a wide variety of shapes that correspond to different actions that you might want to perform.").

modifying the attribute and without recompiling the compiled business process application" are not supported by the specification. Applicant submits, however, that these limitations define the key aspects of the invention which are explained in the specification. Paragraph 2, for example, with respect to prior art business processes states that: "Conventional computer implemented business process applications require a user to program the partner information directly into the business process application. In this example, the identification of the business partner and certain attributes, such as address and contact information, are included or hard coded directly into the business process application." Paragraph 3 continues: "Among other disadvantages, coding partner information directly into a business process application results in a requirement that *the business process application be modified and recompiled when business partners or business partner attributes change.*" Finally, paragraph 5 states that: "Aspects of the present invention address one or more of the issues mentioned above, thereby providing a computer implemented business process system that allows users *to dynamically manage business partners without modifying the business process....* Business partners can be added, modified and deleted without changing the business process."

Therefore, the specification provides specific support for the limitation: "but that does not include business partner attributes." *See also* ¶ 18 (stating that business partners and partner attributes are included in a separate list that is sent to the execution engine with the business process application). To further clarify this limitation, the present amendments add language that appears directly in the specification as well. The other two rejected limitations contain language that does not explicitly appear in the specification. However, these limitations were added to better clarify the invention. It is Applicant's belief that these limitations are not necessary to overcome the cited art of record. But, it is apparent from the above description of the invention, that after a first business partner is selected, the selected business partner's attributes may be changed without recompiling the compiled business process. This is the key to the invention: "allow[ing] users to dynamically manage business partner without modifying the business process." *See* ¶ 5. Applicant therefore submits that the 112 rejections are overcome.

Prior Art Rejections

As was addressed in the previous response, none of the cited references addresses business processes, and therefore the combination of Dworkin, Rossides, and Singh fails to teach or suggest a

method for dynamically managing business partners in a system that includes a business process application and without requiring the business process application to be modified or recompiled when partner attributes are changed. The Oracle reference which is cited in footnotes 1 and 2 above better addresses these claimed features. For example, this reference describes prior art business processes which require the hard-coding of business partner attributes into the business process. *See, e.g.* Step 3: Define Partner Link Types (showing sample code which defines the partners, such as the flightLT partner link type which defines the airline service as a partner with which the business process communicates). Although this example is overly simple, it can be seen that if the user wanted to change the airline service to a different partner, the business process itself would need to be modified and recompiled. The present invention overcomes this problem by only including selection criteria in the business process while placing the partners, including the partner attributes, in a separate list. *See Spec, ¶ 18.* Therefore, when a partner attribute needs to be updated, the attribute can be changed in the list rather than changing the business process itself, thus allowing onetime deployment of the business process.

In view of the foregoing, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.⁶

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

⁶ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 17th day of December, 2008.

Respectfully submitted,

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